

Exhibit B

Takashima, Edward

From: Mishkin, Paul S. <paul.mishkin@davispolk.com>
Sent: Friday, November 18, 2022 2:59 PM
To: DavidMarriott-contact; Gillen, Elizabeth A.; msegall@cravath.com; Harty, Ronan P.; Solomon, Jesse; 'Kane, Patrick M.'; Williams, Nikolaus; Miller, Benjamin M.; kforrest@cravath.com; Mark E. Anderson (manderson@mcguirewoods.com); ChristineA.Varney-contact; JesseM.Weiss-contact
Cc: Weingarten, James; Baker, Joseph; Woodward, Mark; Takashima, Edward; Carson, Wesley; Kendall, Sandra; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; LauraMcFarlane-Contact
Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Syngenta will also not join.

Paul S. Mishkin

Davis Polk & Wardwell LLP
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From: David Marriott <dmarriott@cravath.com>
Sent: Friday, November 18, 2022 2:54 PM
To: Gillen, Elizabeth A. <egillen@ftc.gov>; Mishkin, Paul S. <paul.mishkin@davispolk.com>; msegall@cravath.com; Harty, Ronan P. <ronan.harty@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; kforrest@cravath.com; Mark E. Anderson (manderson@mcguirewoods.com) <manderson@mcguirewoods.com>; cvarney@cravath.com; Jesse Weiss <jweiss@cravath.com>
Cc: Weingarten, James <jweingarten@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Woodward, Mark <mwoodward@ftc.gov>; Takashima, Edward <etakashima@ftc.gov>; Carson, Wesley <wcarson@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin <colin.snider@nebraska.gov>; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; mcfarlanele@doj.state.wi.us
Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Elizabeth,

Corteva will not join the request.

Best,

Dave

From: Gillen, Elizabeth A. <egillen@ftc.gov>
Sent: Thursday, November 17, 2022 4:31 PM
To: Mishkin, Paul S. <paul.mishkin@davispolk.com>; Margaret Segall <MSegall@cravath.com>; Harty, Ronan P. <ronan.harty@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; David Marriott <dmarriott@cravath.com>; Katherine Forrest

<kforrest@cravath.com>; Mark E. Anderson (manderson@mcguirewoods.com) <manderson@mcguirewoods.com>; Christine Varney <cvarney@cravath.com>; Jesse Weiss <jweiss@cravath.com>
Cc: Weingarten, James <jweingarten@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Woodward, Mark <mwoodward@ftc.gov>; Takashima, Edward <etakashima@ftc.gov>; Carson, Wesley <wcarson@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin <colin.snider@nebraska.gov>; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; LauraMcFarlane-Contact <mcfarlanele@doj.state.wi.us>

Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Counsel,

As discussed earlier this week, Plaintiffs intend to request that the Court set a Rule 16 scheduling conference for the earliest available date on the Court's calendar. Please let us know by the close of business on Friday whether Defendants will join the attached request.

Best regards,
Elizabeth

Elizabeth A. Gillen
Anticompetitive Practices Division
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Federal Trade Commission
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202-326-3364
202-660-8516 (mobile)

From: Mishkin, Paul S. <paul.mishkin@davispolk.com>

Sent: Monday, November 14, 2022 11:56 AM

To: Gillen, Elizabeth A. <egillen@ftc.gov>; msegall@cravath.com; Harty, Ronan P. <ronan.harty@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; DavidMarriott-contact <dmarriott@cravath.com>; kforrest@cravath.com; Mark E. Anderson (manderson@mcguirewoods.com) <manderson@mcguirewoods.com>; ChristineA.Varney-contact <cvarney@cravath.com>; JesseM.Weiss-contact <jweiss@cravath.com>

Cc: Weingarten, James <jweingarten@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Woodward, Mark <mwoodward@ftc.gov>; Takashima, Edward <etakashima@ftc.gov>; Carson, Wesley <wcarson@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin <colin.snider@nebraska.gov>; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; LauraMcFarlane-Contact <mcfarlanele@doj.state.wi.us>

Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Elizabeth,

We continue to disagree. The federal rules have to be considered in the context of MDNC local rules and practice, and our understanding is that a Rule 26(f) conference (let alone a Rule 26(f) report) is premature and not contemplated at the current stage of the litigation. We therefore don't agree to participate in a Rule 26(f) conference at this point.

Nevertheless, as we indicated, we are fine to proceed tomorrow with a discussion of certain preliminary issues, and with each side reserving its rights.

Regards,
Paul

Paul S. Mishkin

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From: Gillen, Elizabeth A. <egillen@ftc.gov>
Sent: Friday, November 11, 2022 9:33 AM
To: Mishkin, Paul S. <paul.mishkin@davispolk.com>; msegall@cravath.com; Harty, Ronan P. <ronan.harty@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; dmarriott@cravath.com; kforrest@cravath.com; Mark E. Anderson (<manderson@mcguirewoods.com>) <manderson@mcguirewoods.com>; cvarney@cravath.com; JesseM.Weiss-contact <jweiss@cravath.com>
Cc: Weingarten, James <jweingarten@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Woodward, Mark <mwoodward@ftc.gov>; Takashima, Edward <etakashima@ftc.gov>; Carson, Wesley <wcarson@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin <colin.snider@nebraska.gov>; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; mcfarlanele@doj.state.wi.us
Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Counsel,

The FTC disagrees that a 26(f) conference is premature. *See* Fed. R. Civ. P. 26(f) (“the parties must confer as soon as practicable,” and “at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b)” (emphasis added), unless otherwise ordered); Fed. R. Civ. P. 16(b) (scheduling order generally due 60 days after any defendant has appeared). Given the scope of this case and the number of issues we should discuss before the initial pretrial conference, we do not see any reason to delay the Rule 26(f) process. We are hopeful that the parties can work together on a plan for the management of this case, and that we can resolve or narrow as many issues as possible; however, we anticipate that process will take more than one meeting and there is no reason not to start now.

In sum, we believe that the parties should promptly hold a 26(f) conference and file a 26(f) report thereafter. We ask Syngenta and Corteva to reconsider their position on this. If Defendants refuse to participate in a Rule 26(f) meet and confer, we reserve the right to submit a separate Rule 26(f) report pursuant to Local Rules 16.1(b) and 16.3.

Even if Defendants are not willing to engage in a Rule 26(f) discussion at this time, we believe it would be beneficial for all parties to discuss how the case will proceed, including matters relating to any anticipated motion practice and related briefing schedule, and the negotiation of a protective order.

We look forward to discussing these issues on Tuesday, and will send around a scheduler shortly.

Best regards,
Elizabeth

From: Mishkin, Paul S. <paul.mishkin@davispolk.com>

Sent: Wednesday, November 9, 2022 6:05 PM

To: Gillen, Elizabeth A. <egillen@ftc.gov>; msegall@cravath.com; Harty, Ronan P. <ronan.harty@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; DavidMarriott-contact <dmarriott@cravath.com>; kforrest@cravath.com; Mark E. Anderson (manderson@mcguirewoods.com) <manderson@mcguirewoods.com>; ChristineA.Varney-contact <cvarney@cravath.com>; JesseM.Weiss-contact <jweiss@cravath.com>

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Elizabeth,

We're happy to schedule time to talk, but we and Corteva think a Rule 26(f) conference is premature and not required or contemplated at this point under MDNC local practice given that no initial pretrial conference has been scheduled. On the understanding that this would not be a Rule 26(f) conference, we can make ourselves available for a discussion on November 15 starting at 11:30 AM.

Regards,
Paul

Paul S. Mishkin

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From: Gillen, Elizabeth A. <egillen@ftc.gov>

Sent: Wednesday, November 9, 2022 4:27 PM

To: msegall@cravath.com; Harty, Ronan P. <ronan.harty@davispolk.com>; Mishkin, Paul S. <paul.mishkin@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; dmarriott@cravath.com; kforrest@cravath.com; Mark E. Anderson (manderson@mcguirewoods.com) <manderson@mcguirewoods.com>; cvarney@cravath.com; JesseM.Weiss-contact <jweiss@cravath.com>

Cc: Weingarten, James <jweingarten@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Woodward, Mark <mwoodward@ftc.gov>; Takashima, Edward <etakashima@ftc.gov>; Carson, Wesley <wcarson@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin <colin.snider@nebraska.gov>; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; mcfarlanele@doj.state.wi.us

Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Maggie,

Thank you for your reply. Within the proposed November 15 window, 11 a.m. – 12 p.m. works best for Plaintiffs. If this time also works for Syngenta counsel, we will send around an invite shortly.

Best regards,
Elizabeth

From: Margaret Segall <MSegall@cravath.com>
Sent: Wednesday, November 9, 2022 12:41 PM
To: Gillen, Elizabeth A. <egillen@ftc.gov>; Harty, Ronan P. <ronan.harty@davispolk.com>; Mishkin, Paul S. <paul.mishkin@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; DavidMarriott-contact <dmarriott@cravath.com>; Katherine Forrest <kforrest@cravath.com>; Mark E. Anderson (<manderson@mcguirewoods.com>) <manderson@mcguirewoods.com>; ChristineA.Varney-contact <cvarney@cravath.com>; JesseM.Weiss-contact <jweiss@cravath.com>
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Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Elizabeth,

Corteva counsel is available during the Tuesday 11/15 window you propose below.

Best,

Maggie

From: Gillen, Elizabeth A. <egillen@ftc.gov>
Sent: Wednesday, November 9, 2022 9:30 AM
To: Harty, Ronan P. <ronan.harty@davispolk.com>; Mishkin, Paul S. <paul.mishkin@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; Margaret Segall <MSegall@cravath.com>; David Marriott <dmarriott@cravath.com>; Katherine Forrest <kforrest@cravath.com>; Mark E. Anderson (<manderson@mcguirewoods.com>) <manderson@mcguirewoods.com>; Christine Varney <cvarney@cravath.com>; Jesse Weiss <jweiss@cravath.com>
Cc: Weingarten, James <jweingarten@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Woodward, Mark <mwoodward@ftc.gov>; Takashima, Edward <etakashima@ftc.gov>; Carson, Wesley <wcarson@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin <colin.snider@nebraska.gov>; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; LauraMcFarlane-Contact <mcfarlanele@doj.state.wi.us>
Subject: RE: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Counsel:

I write to follow up on my November 3 email. We are no longer available today, November 9, but please advise of your availability for a meet and confer during the remaining windows listed below, and we will send around a scheduler.

Best regards,

Elizabeth

Elizabeth A. Gillen
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Bureau of Competition
Federal Trade Commission
egillen@ftc.gov
202-326-3364
202-660-8516 (mobile)

From: Gillen, Elizabeth A.

Sent: Thursday, November 3, 2022 4:07 PM

To: Harty, Ronan P. <ronan.harty@davispolk.com>; Mishkin, Paul S. <paul.mishkin@davispolk.com>; Solomon, Jesse <jesse.solomon@davispolk.com>; 'Kane, Patrick M.' <PKane@foxrothschild.com>; Williams, Nikolaus <nikolaus.williams@davispolk.com>; Miller, Benjamin M. <benjamin.miller@davispolk.com>; Margaret Segall <MSegall@cravath.com>; DavidMarriott-contact <dmarriott@cravath.com>; Katherine Forrest <kforrest@cravath.com>; Mark E. Anderson (<manderson@mcguirewoods.com>) <manderson@mcguirewoods.com>; ChristineA.Varney-contact <cvarney@cravath.com>; JesseM.Weiss-contact <jweiss@cravath.com>

Cc: Weingarten, James <jweingarten@ftc.gov>; Baker, Joseph <jbaker1@ftc.gov>; Woodward, Mark <mwoodward@ftc.gov>; Takashima, Edward <etakashima@ftc.gov>; Carson, Wesley <wcarson@ftc.gov>; Kendall, Sandra <skendall@ftc.gov>; Nicole.Gordon@doj.ca.gov; carla.baumel@coag.gov; paul.harper@ilag.gov; Matthew.Michaloski@atg.in.gov; Noah.Goerlitz@ag.iowa.gov; Katherine.Moerke@ag.state.mn.us; Snider, Colin <colin.snider@nebraska.gov>; Margaret.Sharp@oag.texas.gov; tim.smith@doj.state.or.us; LauraMcFarlane-Contact <mcfarlanele@doj.state.wi.us>

Subject: FTC, et al. v. Syngenta Crop Protection AG, et al., No. 22-cv-828 (M.D.N.C.)

Counsel:

Please let us know when you are available to meet and to confer on or before November 18, pursuant to Federal Rules of Civil Procedure 16(b) and 26(f). In addition to the topics set forth in Middle District of North Carolina Local Rule 16.1 and Federal Rules 16(b) and 26(f), we would like to discuss upcoming motion practice, if any, and related briefing schedules. We are available during the following windows:

- Wednesday (11/9), between 2:00-4:00 p.m. ET
- Thursday (11/10), between 11:00 a.m. – 12:00 p.m. ET, or 3:00-4:00 p.m. ET
- Tuesday (11/15), between 11:00 a.m. – 2:00 p.m. ET
- Thursday (11/17), between 10:00 a.m. – 1:00 p.m. ET, or 3:00-4:00 p.m. ET

Best regards,
Elizabeth

Elizabeth A. Gillen
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202-660-8516 (mobile)

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